



Paper No. 17

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In re Application of  
Bright et al.  
Application No.: 09/186,247  
Filing Date: November 4, 1998  
Attorney Docket No.: YOR919980331US1

OFFICE OF PETITIONS  
ON PETITION

This decision concerns the February 27, 2004 "Petition for Revival under 37 CFR 1.137(b)" which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in this application.

The petition is **GRANTED**.

On November 23, 2001, a final Office Action was mailed, setting forth a 3-month shortened statutory reply period.

On April 5, 2002 (Certificate of Mailing date April 2, 2002), a request to file a continuing application under 37 CFR 1.53(d) (CPA) was filed along with, *inter alia*, an amendment and an authorization to charge any required fees (other than issue fee) to Deposit Account No. 09-0468.<sup>1</sup>

However, the timely filed CPA was not entered. In addition, an Advisory Action was mailed on April 25, 2002, stating that the April 5, 2002 amendment would not be entered. A Notice of Abandonment was mailed on September 27, 2002.

The Office notes that the instant application was filed before May 29, 2000. Accordingly, the CPA, timely filed on April 5, 2002, was a proper reply to the November 23, 2001 final Office

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<sup>1</sup> Including the \$740 CPA filing fee. Also, a 2-month extension of time (\$400 for other than small entity) was required, but the USPTO inadvertently charged the deposit account \$110 and \$90, totaling \$200 (the fee amount for a small entity). The deficiency of \$200 has been charged to the same deposit account.

action,<sup>2</sup> and should have been entered along with the concurrently filed amendment.

In view of the above, the application should not have been held abandoned. The holding of abandonment in the application is hereby withdrawn, and the September 27, 2002 Notice of Abandonment vacated.

No petition fee is owed, and none was charged to counsel's deposit account.

The application file is being returned to Technology Center 2600 for vacating the April 25, 2002 Advisory Action, and for entry of the April 5, 2002 CPA and amendment.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.



RC Tang  
Petitions Attorney  
Office of Petitions

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<sup>2</sup> See MPEP 711.03(c)(III)(A)(2)(b) (Rev. 1, Feb. 2003).